

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FATINA S. FOGLE,

Plaintiff,

Case No. 1:23-cv-468

v.

Hon. Hala Y. Jarbou

CARMAX AUTO FINANCE, et al.,

Defendants.

ORDER

On May 17, 2023, Magistrate Judge Sally J. Berens issued a Report and Recommendation (“R&R”) recommending that the Court dismiss Plaintiff’s federal claims for failure to state a claim upon which relief may be granted and dismiss Plaintiff’s conversion claim without prejudice for lack of subject matter jurisdiction (ECF No. 7). The R&R was duly served on the parties. No objections have been filed, and the deadline for doing so expired on May 31, 2023. On review, the Court concludes that the R&R correctly analyzes the issues and makes a sound recommendation.

Accordingly,

IT IS ORDERED that the R&R (ECF No. 7) is **APPROVED** and **ADOPTED** as the opinion of the Court.

IT IS FURTHER ORDERED that Plaintiff’s federal claims are **DISMISSED** for failure to state a claim upon which relief may be granted.

IT IS FURTHER ORDERED that Plaintiff’s state-law claim is **DISMISSED WITHOUT PREJUDICE** for lack of subject matter jurisdiction. Plaintiff has not satisfied the

amount-in-controversy requirement for diversity jurisdiction. Also, the Court declines to exercise supplemental jurisdiction over her state-law claim. 28 U.S.C. § 1337(c)(3).

IT IS FURTHER ORDERED that the Court **CERTIFIES** that there is no good faith basis for an appeal.

A judgment will issue in accordance with this order.

Dated: June 5, 2023

/s/Hala Y. Jarbou

HALA Y. JARBOU

CHIEF UNITED STATES DISTRICT JUDGE